

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION
IN ADMIRALTY**

In the Matter of the Complaint of Chicago
AquaLeisure, LLC, and Theresa Tran,
individually and as owners and/or owners
pro hac vice of the vessel LA AQUAVIDA,
Official Number GFNCY003E20 &
DOCUMENTATION #1155272, for
Exoneration from or Limitation of Liability

No. 1:22-cv-6478

ORDER RESTRAINING ALL SUITS AND DIRECTING MONITION TO ISSUE

It appearing that a Complaint has been filed in the above-captioned Court by Plaintiffs CHICAGO AQUALEISURE, LLC and THERESA TRAN (hereinafter “PLAINTIFFS”), as owners and/or owners *pro hac vice* of the vessel LA AQUAVIDA (hereinafter “AQUAVIDA”), Official Number GFNCY003E203, having filed a complaint under the Limitation of Liability Act, 46 U.S.C. § 30501 *et seq.*, with respect to any and all losses or damages arising out of, resulting from, or in any manner connected with, the matters set forth in the Complaint, and the Complaint having stated the facts and circumstances upon which exoneration or limitation are claimed, and it appearing that the value of PLAINTIFFS’ interest in AQUAVIDA immediately following the incident was worth \$71,637.00, and it further appearing that PLAINTIFFS have filed a Stipulation for Value and Costs and it further appearing that claims have been made, or will be made, against PLAINTIFFS, and/or AQUAVIDA, for losses or damages arising out of, or in some manner connected with, the matters set forth in the Complaint;

NOW, THEREFORE, on application of PLAINTIFFS:

IT IS ORDERED that the institution or prosecution of any and all suits, actions or legal proceedings of any nature and description whatsoever, against PLAINTIFFS, or AQUAVIDA, or

any property of PLAINTIFFS, whether presently ongoing, filed but unknown, or to be filed in the future, except in this proceeding, with respect to any claims for death, injuries, property loss, or damages, arising out of, resulting from, or in any manner connected with the incident on August 13, 2022, aboard AQUAVIDA which the Complaint in this action seeks exoneration from, or limitation of liability, be, and the same hereby are, stayed and restrained until the hearing and determination of this proceeding;

IT IS FURTHER ORDERED that a monition issue out of and under the seal of this Court to all persons and entities asserting any claim with respect to that which the Complaint in this action seeks exoneration from, or limitation of, liability, admonishing them to file their respective claims with the Clerk of this Court at the United States Courthouse, in writing and under oath, and to serve a copy thereof on the attorneys for PLAINTIFFS, on or before January 25, 2023, or be deemed in contumacy and default;

IT IS FURTHER ORDERED that public notice of the monition and this action be published by PLAINTIFFS, in THE CHICAGO DAILY LAW BULLETIN and in a newspaper of general circulation in the city of Chicago, once in each week for four (4) successive weeks before the return date of this Order.

IT IS FURTHER ORDERED that PLAINTIFFS, not later than the date of second publication, shall mail a copy of the monition to the two potential claimants named in the complaint, LANA BATOCHIR and MARIJA VELKOVA, and to every person and entity known to have asserted any claim against PLAINTIFFS, or AQUAVIDA, arising out of, resulting from, or in any manner connected with, that which the Complaint in this action seeks exoneration from, or limitation of, and in those cases where the person or entity making the claim is known to have an attorney, the monition shall be mailed to such attorney; and a copy of such monition shall be

mailed to the two potential claimants named in the complaint, LANA BATOCHIR and MARIJA VELKOVA, and to such other persons as are known to have any claim against PLAINTIFFS, or AQUAVIDA, arising out of, resulting from, or in any manner connected with, that which the Complaint in this action seeks exoneration from, or limitation of, not later than the second day of the aforementioned publication; and

IT IS FURTHER ORDERED that service of this Order as a restraining order may be had by mailing a certified copy of this Order to the persons to be restrained, or to their attorneys acting on their behalf.

In issuing this Order, the Court recognizes that the Federal Rules of Civil Procedure, Supplemental Rules for Certain Admiralty and Maritime Claims (hereinafter “Supplemental Rules”) govern actions such as this and appear to limit the Court’s discretion. Specifically, Supplemental Rules F(3) and F(4) state that the Court “shall” issue the injunction, monition, and publication orders PLAINTIFFS have requested. In issuing the requested orders at this preliminary stage, the Court makes no determination as to the merits of PLAINTIFFS’ efforts to limit their liability pursuant to 46 U.S.C. § 30505.

Dated: November 28, 2022

/s/
Joan B. Gottschall
United States District Judge